IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 10860 of 2005

Between:

1 Moorthi Rama Krishaiah S/o M. Gurrappa,
R/o Pathapeta, Hamlet of Kallur, Pulicherla Mandal, Chittoor District
2 K. Sai Ramesh Babu S/o Venkateswalu
GBC Road, Ponnur Village, Ponnur Mandal, Guntur District

..... PETITIONERS

AND

1 The Deputy Transport Commissioner and Secretary, RegionalTransport Authority, Chittoor
2 The Motor Vehicle Inspector, Chittoor, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or Direction more particularly one in the nature of Writ of mandamus declaring the action of the 2nd respondent in Seizing the First Petitioners Tractor and Trailer bearing Regn. Nos. APA 6484 and APA 6485 under Cheque Report No. 2821321, dated 01-03-2005, as illegal, arbitrary and in violation of Articles 14 and 16 of the Constitution of India, and Consequently direct the Respondents to release the Tractor and Trailer bearing Regn. Nos. APA 6484 and APA 6485 under Cheque Report No. 281321, dated 01-03-2005 in favour of the Petitioner.

Counsel for the Petitioners : MR.J.SRINADH REDDY

Counsel for the Respondents : GP FOR TRANSPORT

The Court made the following :

ORDER:

The petitioner has already submitted his representation to the 1st respondent-Deputy Transport Commissioner and Secretary, Regional Transport Authority, Chittoor purporting it to be under Section 207 (2) of the Motor Vehicles Act read with Rule 448 (B) of the A.P. Motor Vehicle Rules seeking release of the Tractor and Trailor.

In such view of the matter, we cannot adjudicate the question raised by the petitioner and judicially review the vehicle check report. The objections raised by the petitioner are required to be considered by the 1st respondent in accordance with law. The writ petition is therefore dismissed without any order as to costs.

However, there shall be a direction to the 1st respondent to dispose of the representation, dated 21-04-2005, filed by the petitioner, within a period of three weeks from the date of receipt of a copy of this order, if the same still remains unattended to by the 1st respondent.

(B. Sudershan Reddy,J)

Dated:09-06-2005

(Ramesh Ranganathan, J)

GJ

To

1 The Deputy Transport Commissioner and Secretary, Regional Transport Authority, Chittoor
2 The Motor Vehicle Inspector, Chittoor, Chittoor District

3. Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hyderabad. (OUT)

4. Two C.D. copies.